

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:05CR3029
)	
v.)	
)	
CASEY J. FOSTER,)	MEMORANDUM AND ORDER
)	
Defendant.)	
)	

Defendant has requested that his three-year probation be terminated early. His request is by letter, and it reports his substantial contributions to creation and maintenance of wildlife habitat on his land, and his family ranching operation has been awarded the Nebraska Outstanding Grassland Conservation Award at the Nebraska Association of Resources Districts Annual Conference in September. The letter is accompanied by a newspaper article and a copy of the nomination of Foster Cattle Company. Because he was represented by counsel at the time of his sentencing, I sent copies of his letter and the accompanying materials to his attorney and the government's attorney, asking for their comments on the request. There was no response from his attorney, but the government attorney responded, opposing the request.

The defendant has completed the required community service, has paid the restitution and fine, and has paid the special assessment. He remains on probation with the only serious restriction that he is prohibited from hunting or accompanying anyone else while they are hunting. The purpose of the three-year term of probation was to enforce the hunting prohibition for three hunting seasons.

Two co-defendants have received early terminations from their three-year terms of probation but not before the expiration of the third hunting season. Filings 104, 105. I shall do the same with Mr. Foster.

IT THEREFORE HEREBY IS ORDERED,

Defendant's probation shall terminate on February 15, 2008.

DATED this 18th day of December, 2007.

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge